

**REMARKS**

Claims 1-41 and 43-44 are pending upon entry of the foregoing amendments. Claims 1-3 have been amended to be focused on those compounds of the invention having the indole or reverse-indole core structure, and new claims 43 and 44 have been added and are directed to specific compounds of the invention having the indole or reverse-indole core structure. Support for these amendments is found throughout the application as filed, e.g., structures I.1 and I.2 at page 25, the first two structures on page 26, and the numerous specific indole and reverse-indole compounds in the tables at pages 51-55. Use claims 28-30 have been redrafted as method claims to be in accordance with US practice, support for these methods being found at pages 7-8 and in the original claims. Claim 32 has been amended to state that it is an effective amount of the combination which is administered, as supported by the discussion at page 38, lines 19-23, which indicates that dosages lower than the normal monotherapy regimen dosages for each component may be used when a combination of agents is administered. Claim 34 is amended to state "one or more other" antiviral agents given that the compound of formula I is an antiviral agent. Claim 37 is amended to clarify that this claim covers any immunomodulatory agent as the other anti-HCV agent, support being found at page 38. Claim 38 is amended for consistency with claim 37. Claim 42 has been cancelled.

Their being no new matter, entry of these amendments is requested.

At pages 2-3 of the Office Action, a 2-way restriction requirement is imposed:

- I. Claims 1-27 and 33-41; compounds or compositions of formula (I), or such compounds and compositions combined with other agents;
- II. Claims 28-32 and 42; methods of use of the compounds or compositions of formula (I).

At pages 3-4, an election of species requirement is further imposed.

In response to these requirements, Applicants herein elect Group I of the restriction requirement and further elect compound 114 of Table 1, page 52 as the elected species. Claims 1-8 and 10-41 and 43-44 read upon the elected compound, a composition thereof or method of use thereof.

AMENDMENT

U.S. Appln. No. 10/755,544


In response to the Examiner's invitation at page 6, Applicants have amended the claims to focus the claims to a group of compounds (indoles and reverse-indoles) which are believed to be similar enough that they may be classified together in the US patent classification system and their prior art searches may be co-extensive and, therefore, they should be examined together in a single application even though they might contain patentably distinct species. Applicants further submit that the claims as amended are now directed to a proper Markush group of compounds sufficiently related in structure and function such that the Markush practice outlined in MPEP 803.02 should be followed in this case, and no further restriction of the claimed compounds should be imposed. Applicants reserve the right to file divisional applications on the deleted subject matter for which the provisions of 35 USC 121 will apply, as recognized by the Examiner at page 6 of the Office Action.

Applicants further appreciate the Examiner's indication, at page 8, that Rejoinder Practice (MPEP 821.04) is applicable to the present application. Applicants agree and respectfully request that the non-elected, dependent method claims of Group II (claims 28-32 and 42) be rejoined with the examination of the product claims of Group I in the event that such product claims are found to be allowable.

In view of the above amendments and remarks, Applicants respectfully submit that this application is now in condition for allowance and earnestly request such action.

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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